



Federal Communications Commission
Washington, D.C. 20554

April 20, 2010

DA 10-666

Ward A. Neal
New York State Department of Health
Corning Tower
The Governor Nelson A. Rockefeller Empire State Plaza
Albany, NY 12237

Dear Mr. Neal:

This letter grants your request, received April 19, 2010, on behalf of the New York State Department of Health (NYSDOH) for a waiver to permit certain Amateur Radio Service licensees to transmit communications on behalf of their employers during upcoming government emergency drills.

In your request, you state that the State of New York is divided into eight Regional Resource Center Hospital Regions, and each region will conduct an exercise on the following dates:

Regional Resources Center	Location	Date
University Hospital	Stony Brook	May 17, 2010
Finger Lakes	Rochester	May 18, 2010
Champlain Valley Physicians Hospital	Plattsburgh	May 19, 2010
Westchester Medical Center	Valhalla	May 20, 2010
Erie County Medical Center	Buffalo	May 20, 2010
SUNY Upstate Medical Center	Syracuse	May 21, 2010
Albany Medical Center	Albany	May 25, 2010
Northshore University Hospital	Manhasset	May 26, 2010

The exercises will test hospitals' alternate communications methods in the event of a natural or man-made disaster that causes normal communications systems to fail. Communications between hospitals, and between hospitals and emergency management centers, will be tested.

Section 97.113(a)(3) of the Commission's Rules, 47 C.F.R. § 97.113(a)(3), prohibits amateur licensees from transmitting communications in which they have a pecuniary interest, including communications on behalf of an employer. You therefore request a waiver of this rule to permit the following amateur licensees who are NYSDOH employees to transmit communications on behalf of their employer in connection with these exercises: Drew Fried, KC2WPL; Ward Neal, KC2QKA; Joseph Indelicato, KC2TNH; Peter Gallauresi, KC2TMW; and Matthew DeLafayette, KC2VWS. You also request a similar waiver for amateur licensees listed in your request who are employees of other entities participating in these drills, primarily employees of participating health care facilities, to transmit on behalf of their employers in connection with this exercises.¹

Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, provides that the Commission may waive its rules if good cause for waiver is shown. We conclude that grant of the waiver request is

¹ The request, including the entire roster, is set forth in the Commission's Universal Licensing System as an attachment under each of the licenses listed above.

appropriate under the circumstances presented. The public interest in facilitating the May 17, 18, 19, 20, 21, 25, and 26, 2010 public safety exercises by permitting the specified amateur licensees to participate warrants this limited waiver of Section 97.113(a)(3). This waiver grant permits transmission of communications by the amateur licensees listed in your request on behalf of their employers during the May 17, 18, 19, 20, 21, 25, and 26, 2010 exercises, and immediately prior to each exercise for the purpose of operational testing of equipment.

Accordingly, IT IS ORDERED that the waiver request of the New York State Department of Health, received April 19, 2010, IS GRANTED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau